

**SEALED**

## UNITED STATES DISTRICT COURT

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

for the

Western District of Virginia

AUG 25 2017

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)JULIA C. BUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

Case No. 3:17-mj-00043

Information associated with Discord ID @VOLKER#9744  
stored at premises controlled by Discord and/or  
Hammer&Chisel, Inc.

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Western District of Virginia, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. Sec. 249

Hate Crime Acts

The application is based on these facts:

See Attached Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of 30 days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*[Signature]*

Applicant's signature

Christopher Hartley, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/25/17*[Signature]*

Judge's signature

City and state: Charlottesville, Virginia

The Honorable Joel C. Hoppe, U.S. Magistrate Judge

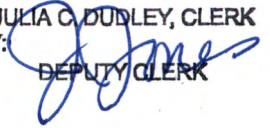
Printed name and title

**SEALED**

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
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AUG 25 2017

IN THE UNITED STATES DISTRICT COURT FOR THE  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

IN THE MATTER OF A SEARCH OF: )  
)  
INFORMATION ASSOCIATED WITH )  
DISCORD ID @VOLKER#9744 THAT IS )  
STORED AT PREMISES CONTROLLED )  
BY DISCORD AND/OR HAMMER & )  
CHISEL, INC. )

Case No.

3:17-mj-00043

**UNDER SEAL**

**AFFIDAVIT IN SUPPORT OF AN APPLICATION**  
**FOR A WARRANT TO SEARCH AND SEIZE**

I, Christopher Hartley, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation ("FBI") and have been so employed since February 2016. I am assigned to the Washington Field Office, Northern Virginia Resident Agency, located in Manassas, Virginia. My principal duties include the investigation of, among other matters, civil rights violations of the United States.

2. I am a federal law enforcement officer under applicable provisions of the United States Code under Rule 41(a) of the Federal Rules of Criminal Procedure. I have received training in and have experience in the enforcement of the laws of the United States, including the preparation and presentation of search warrants, and in executing court-ordered search warrants.

3. I make this affidavit in support of an application by the United States of America for a warrant to search and seize evidence associated with Discord ID @Volker#9744, as further described in Attachment A.

4. Based on the information below, I submit there is probable cause to believe the aforementioned Discord account will contain evidence, as more fully identified in Attachment B, of violations of federal law, including, but not limited to, Title 18, United States Code, Section 249 (Hate Crime Acts).

5. Through training and experience, the Affiant has knowledge that domestic terrorists and persons affiliated with white supremacists group and/or conspirators will utilize cell phones, and other electronic devices, electronic mail ("e-mail"), social media, and online mobile chat platforms to conduct their illegal activity and maintain contact with other confederates, conspirators and criminal associates involved with the planning, targeting, and execution of their political or social goals to include, but not limited to, espousing violence.

6. The Affiant bases this affidavit upon personal knowledge and observations made during the course of this investigation, information conveyed to me by other law enforcement officers assigned to this investigation, and upon my personal review of records, documents, and items lawfully obtained by third parties. This affidavit is not intended to include each and every fact known to me or the other investigating agencies, nor does it reflect all the evidence developed during the course of the investigation. Instead, the Affiant has set forth sufficient information to establish probable cause for the issuance of the requested search warrant. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part.

### **RELEVANT STATUTE**

7. *Hate Crimes Act*, Title 18, United States Code, Section 249, provides that “Whoever, whether or not acting under color of law, willfully causes **bodily injury** to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person” shall be guilty of a federal offense.

### **JURISDICTION**

8. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

### **BACKGROUND**

9. On August 12, 2017, a “Unite the Right” rally was held at Emancipation Park in Charlottesville, Virginia. The proclaimed purpose of the planned rally was to protest the removal of the Robert E. Lee and Thomas “Stonewall” Jackson statues in Charlottesville, Virginia. Several groups espousing right-wing nationalist and/or white supremacist views attended the rally in support.

10. In addition, several thousand counter-protestors attended the rally to oppose the rally and its supporters. Throughout the day, several instances of violence occurred between protestors and counter-protestors. At approximately noon, the rally was declared an unlawful assembly by the Charlottesville Police Department, and both protestors and counter-protestors dispersed to separate locations.

11. A group observed by law enforcement at the aforementioned rally was Vanguard America, whose beliefs are stated as:

*“The chains of debt slavery wrap themselves tight around White Americans, such conditions must be reversed. A new generation of corporate leaders, who hold the interests of White America first and foremost, will naturally rise to the top of this new economy.”*

Below is a picture of the Vanguard America emblem taken from the website

<https://bloodandsoil.org/>:



The right-wing nationalist slogan “blood and soil” is derived from a German phrase, used by Adolph Hitler’s Nazis, that purportedly promotes the notion that people with “white blood” are uniquely connected to “American soil.”

#### **PROBABLE CAUSE**

12. The FBI is conducting an investigation into possible violations of federal criminal law committed by JAMES ALEX FIELDS (“FIELDS”), an individual allegedly associated with Vanguard America and other white supremacist groups. The investigation was initiated following receipt of information FIELDS drove this vehicle, a grey Dodge Charger bearing Ohio license plate GVF1111, into a crowd of people during the “Unite the Right Rally” in Charlottesville, Virginia on August 12, 2017. The incident killed one Caucasian female and injured approximately twenty-eight (28) other individuals of African-American and Caucasian descent.

13. Based on Affiant's review of the video footage of the incident, FIELDS' vehicle travelled at a high rate of speed when it struck rally counter-protestors, including African-Americans. After striking multiple victims with his vehicle, FIELDS drove his vehicle backwards, in reverse, at high-rate of speed to flee the scene.

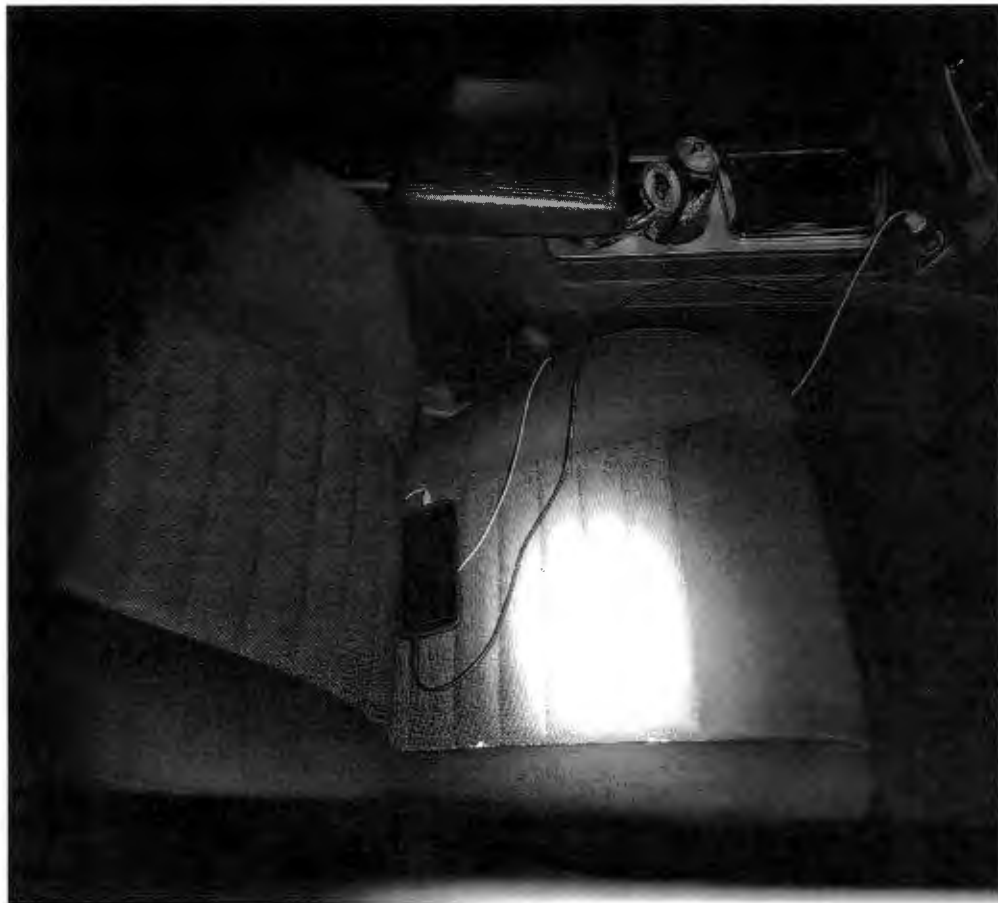
14. After his arrest by the Charlottesville Police Department, FIELDS was observed dressed in a white polo shirt, khaki pants, and black shoes. FIELDS' hair was trimmed with a "high and tight" or "side-fade" style consistent with the hair style of other individuals associated with the white supremacist group Vanguard America at the rally. Below is a picture of FIELDS that law enforcement officials obtained from social media at the Charlottesville "Unite the Right" rally. Fields is second person from the left with the large black shield in front of him.



15. The Affiant learned from law enforcement officials and review of video footage, one individual was in the vehicle at the time of the aforementioned incident. After the

Charlottesville Police arrested FIELDS, his vehicle was towed and stored in a secured law enforcement facility.

16. The Charlottesville Police Department obtained a search warrant for the Dodge Charger and seized one Samsung cellular phone lying on the front passenger seat. The cellular phone was plugged into the outlet and was located as seen below, where it was accessible to the driver of the vehicle. This was the only phone that was recovered in FIELDS's vehicle.



17. On August 12, 2017, the FBI interviewed SAMANTHA BLOOM ("BLOOM"), a woman identified as FIELDS' mother. BLOOM confirmed details about FIELDS and his trip to Charlottesville, Virginia for the "Unite the Right" rally. According to BLOOM, this information was received by BLOOM from text message sent from FIELDS.



18. During the interview, BLOOM confirmed FIELDS' telephone number is 859-414-9660.

19. Through social media and data exploitation of FIELDS' telephone, the FBI confirmed the Discord app was downloaded onto FIELDS' phone.<sup>1</sup>

20. As a result of searching FIELDS' phone, the FBI found a URL for a Discord chat room extracted from an e-mail addressed to FIELDS. The chatroom, <http://discord.gg/4vbxUSC>, is for the Skyblivion Discord chat room. Skyblivion is a video game.

21. The FBI found Discord user @Volker#9744 was associated with FIELDS. Based upon a review of the Discord website, your affiant believes @Volker#9744 refers to Discord user @Volker and Discord ID #9744. The FBI confirmed "Volker" is identical to other monikers used by Fields on other gaming sites including Steam, and similar to e-mail accounts associated with Fields.

*Affiant believes user @Volker #9744 was referenced in the aforementioned URL extracted from FIELDS' phone.*

22. The Affiant knows, through training and experience, that Discord provides a variety online services, including games, social online and mobile chat platforms.

23. Discord owns and operates a free-access social networking and gaming website and application of the same name that can be accessed at <http://discordapp.com>. Discord allows its users to create their own profile pages, which can include lists of their personal interests, photos of themselves and friends, and links to pages within and outside the Discord environment. Discord also permits users to send and receive private messages, including voice over internet protocol ("IP") messages (the functional equivalent of e-mails) with other Discord users, and to restrict the

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<sup>1</sup> According to the New York Times, Discord was a group chat app that was popular among far-right activists. <https://web.archive.org/web/20170819143650/https://www.nytimes.com/2017/08/15/technology/discord-chat-app-alt-right.html>



disclosure of certain information (blogs, profile information) exclusively to the Discord “friends” of their choosing.

24. Discord asks users to provide basic identity and contact information to Discord, either during the registration process or thereafter. This information may include the user’s full name, user ID, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers. For each user, Discord also retains information about the date and time at which the user’s profile was created, the date and time at which the account was created, and the Internet Protocol (“IP”) address at the time of sign-up. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access a given Discord account.

25. Discord also keeps IP logs for each user. These logs contain information about the user’s log-ins to Discord, including, for each access, the IP address assigned to the user and the date stamp at the time the user accessed his or her profile. Discord retains IP log information about each account access for at least one year.

26. Discord users can exchange private mail messages with other users via Discord. A given private message typically includes the Discord ID of the sender and the recipient of the message, a subject line, the actual content of the message, and a date stamp reflecting when the message was sent. Private messages are sent to the recipient’s Discord inbox and remain available there until the recipient removes them.

27. Discord users can add a variety of information to their profiles, including photographs, videos, music and other audio files, lists of personal interests and preferences, journals or web logs (“blogs”), bulletins, news feeds, links to other locations on the Internet, and “About Me” entries, which typically contain personal information about the user. Discord users

can also post comments on the Discord profiles of other users or on their own profiles. Discord allows users to edit or delete comments on their own profile pages, and users can also adjust their profile settings to allow them to pre-approve comments on their own profile pages.

28. A Discord user can link his profile page to the profile of another Discord user by becoming “friends” with that user on Discord. Each user profile page includes a list of that user’s “friends,” along with links to the friends’ profiles pages. Discord users can adjust the privacy settings for their profile so that their profile information is visible only to their Discord “friends,” rather than to the public (which is the default setting).

29. For a given user, Discord retains the basic identify information entered by the user, all data displayed on the user’s profile, and all stored files (such as images and videos) contained in the user’s account as long as the user has not edited the data or removed the files from the profile. When a given Discord account is deleted, Discord retains certain information relating to that account for at least one year, including user identity information and IP logs.

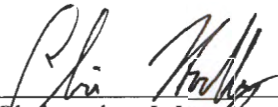
30. In some cases, Discord users may communicate directly with Discord about issues relating to their account, such as technical problems or complaints. Social networking providers like Discord typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well records of any actions taken by the provider or user as a result of the communications.

31. Therefore, the computers of Discord are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and

their use of Discord, such as account access information, transaction information, and account application.

**CONCLUSION**

32. Based on the forgoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on Discord who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

  
\_\_\_\_\_  
Christopher J. Hartley  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me this 25<sup>th</sup> of August, 2017.

  
\_\_\_\_\_  
United States Magistrate Judge